

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LYNETTE M. PETRUSKA,)	
)	
Plaintiff)	Judge Sean A. McLaughlin
)	
v.)	Case No. 1:04-cv-00080-SJM
)	
GANNON UNIVERSITY, et al.,)	
)	
Defendants)	

**DEFENDANT GANNON UNIVERSITY'S MOTION FOR
JUDGMENT ON THE PLEADINGS PURSUANT TO RULE 12(c)**

AND NOW, comes Defendant Gannon University, by and through its counsel, and pursuant to Fed. R. Civ. P 12(c), moves the Court to enter judgment on the pleadings in favor of Defendant Gannon University, for the reasons set forth in the Brief in Support accompanying this motion, i.e., Count IV of the Second Amended Complaint fails to state a claim against Defendant Gannon University upon which relief can be granted and the Plaintiff's claim in Count V for damages in the nature of emotional distress fails to state a claim upon which relief can be granted.

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

/s/ Evan C. Rudert

Evan C. Rudert
PA Attorney ID No. 52787
150 East 8th Street
Erie, PA 16501-1269
(814) 456-4000
Attorneys for All Defendants *other than* Trautman,
Rubino and Garibaldi *in their individual capacities*